

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

Your Committee on **Elections and Apportionment**, to which was referred Senate Bill 235, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

1 Page 1, delete lines 8 through 17, begin a new paragraph and insert:
2 "SECTION 2. IC 3-11-4-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A voter who
4 is otherwise qualified to vote in person is entitled to vote by absentee
5 ballot: ~~Except~~
6 **(1) by mail;**
7 **(2) before an absentee voter board** as ~~otherwise~~ provided in this
8 article; ~~a voter voting by absentee ballot must vote~~
9 **(3) in the office of the circuit court clerk (or board of elections**
10 and registration in a county subject to IC 3-6-5.2); or
11 **(4) at a satellite office established under IC 3-11-10-26.3.**
12 (b) A county election board, by unanimous vote of its entire
13 membership, may authorize a person who is otherwise qualified to vote
14 in person to vote by absentee ballot if the board determines that the
15 person has been hospitalized or suffered an injury following the final
16 date and hour for applying for an absentee ballot that would prevent the

1 person from voting in person at the polls.

2 (c) The commission, by unanimous vote of its entire membership,
3 may authorize a person who is otherwise qualified to vote in person to
4 vote by absentee ballot if the commission determines that an
5 emergency prevents the person from voting in person at a polling place.

6 (d) The absentee ballots used in subsection (b) or (c) must be the
7 same official absentee ballots as described in ~~section~~ **sections** 12 and
8 13 of this chapter. Taking into consideration the amount of time
9 remaining before the election, the commission shall determine whether
10 the absentee ballots are transmitted to and from the voter by mail or
11 personally delivered. An absentee ballot that is personally delivered
12 shall comply with the requirements in sections 19, 20, and 21 of this
13 chapter.

14 SECTION 3. IC 3-11-4-2, AS AMENDED BY P.L.103-2005,
15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 2. (a) A voter who wants to vote by absentee
17 ballot must apply to the county election board for an official absentee
18 ballot. Except as provided in subsection (b), the voter must sign the
19 absentee ballot application.

20 (b) If a voter with disabilities is unable to sign the absentee ballot
21 application and the voter has not designated an individual to serve as
22 attorney in fact for the voter, the county election board may designate
23 an individual to sign the application on behalf of the voter. If an
24 individual applies for an absentee ballot as the properly authorized
25 attorney in fact for a voter, the attorney in fact must attach a copy of the
26 power of attorney to the application.

27 (c) A person may provide an individual with an application for an
28 absentee ballot with the following information already printed or
29 otherwise set forth on the application when provided to the individual:

- 30 (1) The name of the individual.
- 31 (2) The voter registration address of the individual.
- 32 (3) The mailing address of the individual.
- 33 (4) The date of birth of the individual.
- 34 (5) The voter identification number of the individual.

35 (d) A person may not provide an individual with an application for
36 an absentee ballot with the following information already printed or
37 otherwise set forth on the application when provided to the individual:

- 38 (1) The address to which the absentee ballot would be mailed, if

different from the voter registration address of the individual.

(2) In a primary election, the major political party ballot requested by the individual.

(3) In a primary or general election, the types of absentee ballots requested by the individual.

~~(4) The reason why the individual is entitled to vote an absentee ballot:~~

~~(A) by mail; or~~

~~(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);~~

~~in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.~~

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

(1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.

(2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall file the application with the appropriate county election board not later than:

- 1 (1) noon seven (7) days after the person receives the application;
- 2 or
- 3 (2) the deadline set by Indiana law for filing the application with
- 4 the board;
- 5 whichever occurs first.

6 (h) This subsection does not apply to an employee of the United
 7 States Postal Service or a bonded courier company acting in the
 8 individual's capacity as an employee of the United States Postal Service
 9 or a bonded courier company. A person filing an absentee ballot
 10 application, other than the person's own absentee ballot application,
 11 must sign an affidavit at the time of filing the application. The affidavit
 12 must be in a form prescribed by the commission. The form must
 13 include the following:

- 14 (1) A statement of the full name, residence and mailing address,
- 15 and daytime and evening telephone numbers (if any) of the person
- 16 submitting the application.
- 17 (2) A statement that the person filing the affidavit has complied
- 18 with Indiana laws governing the submission of absentee ballot
- 19 applications.
- 20 (3) A statement that the person has no knowledge or reason to
- 21 believe that the individual whose application is to be filed:
- 22 (A) is ineligible to vote or to cast an absentee ballot; or
- 23 (B) did not properly complete and sign the application.
- 24 (4) A statement that the person is executing the affidavit under the
- 25 penalties of perjury.
- 26 (5) A statement setting forth the penalties for perjury.
- 27 (i) The county election board shall record the date and time of the
- 28 filing of the affidavit.

29 SECTION 4. IC 3-11-4-18, AS AMENDED BY P.L.164-2006,
 30 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: Sec. 18. (a) ~~If a voter satisfies any of the~~
 32 ~~qualifications described in IC 3-11-10-24 that entitle a voter to cast an~~
 33 ~~absentee ballot by mail;~~ The county election board shall, at the request
 34 of the voter, mail the official ballot, postage fully prepaid, to the voter
 35 at the address stated in the application.

36 (b) If the county election board mails an absentee ballot to a voter
 37 required to file additional documentation with the county voter
 38 registration office before voting by absentee ballot under this chapter,

the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in section 18.5 of this chapter, the ballot shall be mailed:

- (1) on the day of the receipt of the voter's application; or
- (2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later.

(d) In addition to the ballot mailed under subsection (c), the county election board shall mail a special absentee ballot for overseas voters.

(e) Except as provided in section 18.5 of this chapter, the ballot described in subsection (d):

(1) must be mailed:

- (A) on the day of the receipt of the voter's application; or
- (B) not more than five (5) days after the latest date for delivery of the ballots under section 13(b) of this chapter applicable to that election;

whichever is later; and

- (2) may not be mailed after the absentee ballots described by section 13(a) of this chapter have been delivered to the circuit court clerk or the clerk's authorized deputy.

(f) As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(g) As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 5. IC 3-11-8-10.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.3. (a) As used in this section, "electronic poll list" refers to a poll list that is maintained in a computer data base.**

(b) An electronic poll list must satisfy all of the following:

(1) An electronic poll list must be programmed so that the coordinated action of two (2) precinct election officers who are not members of the same political party is necessary to record the fact that a voter has voted.

(2) An electronic poll list may not be connected to a voting system.

(3) An electronic poll list may not permit access to voter information that is confidential under IC 3-7.

SECTION 6. IC 3-11-10-24, AS AMENDED BY P.L.103-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail.**

(1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open:

(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:

(A) a precinct election officer under IC 3-6-6;

(B) a watcher under IC 3-6-8; IC 3-6-9; or IC 3-6-10;

(C) a challenger or pollbook holder under IC 3-6-7; or

(D) a person employed by an election board to administer the election for which the absentee ballot is requested:

(3) The voter will be confined on election day to the voter's residence; to a health care facility; or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open:

(4) The voter is a voter with disabilities:

(5) The voter is an elderly voter:

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open:

(7) The voter is scheduled to work at the person's regular place of

- 1 employment during the entire twelve (12) hours that the polls are
 2 open.
- 3 ~~(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.~~
 4 ~~(9) The voter is prevented from voting due to observance of a~~
 5 ~~religious discipline or religious holiday during the entire twelve~~
 6 ~~(12) hours that the polls are open.~~
 7 ~~(10) The voter is an address confidentiality program participant~~
 8 ~~(as defined in IC 5-26.5-1-6).~~
- 9 (b) A voter with disabilities who:
- 10 (1) is unable to make a voting mark on the ballot or sign the
 11 absentee ballot secrecy envelope; and
 12 (2) requests that the absentee ballot be delivered to an address
 13 within Indiana;
 14 must vote before an absentee voter board under section 25(b) of this
 15 chapter.
- 16 (c) If a voter receives an absentee ballot by mail, the voter shall
 17 personally mark the ballot in secret and seal the marked ballot inside
 18 the envelope provided by the county election board for that purpose.
 19 The voter shall:
- 20 (1) deposit the sealed envelope in the United States mail for
 21 delivery to the county election board; or
 22 (2) authorize a member of the voter's household or the individual
 23 designated as the voter's attorney in fact to:
- 24 (A) deposit the sealed envelope in the United States mail; or
 25 (B) deliver the sealed envelope in person to the county
 26 election board.
- 27 (d) If a member of the voter's household or the voter's attorney in
 28 fact delivers the sealed envelope containing a voter's absentee ballot to
 29 the county election board, the individual delivering the ballot shall
 30 complete an affidavit in a form prescribed by the commission. The
 31 affidavit must contain the following information:
- 32 (1) The name and residence address of the voter whose absentee
 33 ballot is being delivered.
 34 (2) A statement of the full name, residence and mailing address,
 35 and daytime and evening telephone numbers (if any) of the
 36 individual delivering the absentee ballot.
 37 (3) A statement indicating whether the individual delivering the
 38 absentee ballot is a member of the voter's household or is the

attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

(1) section 1.5 of this chapter; or

(2) section 33 of this chapter."

Delete page 2.

Page 3, delete lines 1 through 15.

Page 3, delete lines 20 through 42, begin a new paragraph and insert:

"SECTION 8. IC 3-11-18-3, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) ~~For~~ A county **must comply with this section to be designated become** a vote center ~~pilot~~ county.

(b) As used in this section, "board" refers to any of the following:

(1) The county election board. ~~or~~

(2) The board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4.

(c) The board must hold a public hearing to present a draft plan for administration of vote centers in the county.

(d) After presentation of the draft plan under subsection (c), the board shall accept written public comments on the draft plan.

(e) Not sooner than thirty (30) days after the hearing held under subsection (c), the board shall hold a public hearing to consider the

1 **draft plan, the written public comments, and any other public**
 2 **comment that the board may permit on the draft plan.**

3 **(f) After consideration of the draft plan and the public**
 4 **comments, the board may do the following:**

5 **(1) Adopt an order approving the draft plan.**

6 **(2) Amend the draft plan and adopt an order approving the**
 7 **amended draft plan.**

8 **The board may adopt the order to approve a plan only by**
 9 **unanimous vote of the entire membership of the board. must approve**
 10 **the filing of an application to be designated a vote center pilot county;**

11 ~~(2) (g)~~ **(g) All members of the board must sign the application; and**
 12 **order adopting the plan.**

13 ~~(3) (h)~~ **(h) The application order and the adopted plan must be filed**
 14 **with the secretary of state. (b) The application election division and**
 15 **must include a copy of:**

16 **(1) a resolution adopted by the county executive; and**

17 **(2) a resolution adopted by the county fiscal body;**

18 **approving the submission designation of the application: county as a**
 19 **vote center county.**

20 **SECTION 9. IC 3-11-18-4, AS ADDED BY P.L.164-2006,**
 21 **SECTION 119, IS AMENDED TO READ AS FOLLOWS**
 22 **[EFFECTIVE JULY 1, 2008]: Sec. 4. The application must include a**
 23 **plan for the administration of vote centers in the county. The plan**
 24 **required by section 3 of this chapter must include at least the**
 25 **following:**

26 **(1) The total number of vote centers to be established.**

27 **(2) The location of each vote center. and the municipality, if any,**
 28 **in which the vote center is located.**

29 ~~(3) A list of each municipality within the county that is entitled to~~
 30 ~~conduct a municipal primary or municipal election; as of the date~~
 31 ~~of the application.~~

32 **(3) The effective date of the order.**

33 **(4) The following information according to the computerized**
 34 **list (as defined in IC 3-7-26.3-2) as of the date of the order:**

35 **(A) The total number of voters within each municipality, as of**
 36 **the date of the application, and the county.**

37 **(B) The number of those active voters within each**
 38 **municipality designated as "active" and the county.**

- 1 **(C) The number of inactive ~~according to voters within the~~**
 2 **county. ~~voter registration office.~~**
- 3 (5) For each vote center designated under subdivision (2), a list
 4 of the precincts whose polls will be located at the vote center.
- 5 (6) For each vote center designated under subdivision (2), the
 6 number of precinct election boards that will be appointed to
 7 administer an election at the vote center.
- 8 (7) For each precinct election board designated under subdivision
 9 (6), the number and name of each precinct the precinct election
 10 board will administer.
- 11 (8) For each vote center designated under subdivision (2), the
 12 number and title of the precinct election officers who will be
 13 appointed to serve at the vote center.
- 14 (9) For each vote center designated under subdivision (2):
- 15 (A) the number and type of ballot variations that will be
 16 provided at the vote center; and
- 17 (B) whether these ballots will be:
- 18 (i) delivered to the vote center before the opening of the
 19 polls; or
- 20 (ii) printed on demand for a voter's use.
- 21 (10) A detailed description of any hardware, firmware, or
 22 software used:
- 23 (A) to create an electronic poll list for each precinct whose
 24 polls are to be located at a vote center; or
- 25 (B) to establish a secure electronic connection between the
 26 county election board and the precinct election officials
 27 administering a vote center.
- 28 (11) A description of the equipment and procedures to be used to
 29 ensure that information concerning a voter entered into any
 30 electronic poll list used by precinct election officers at a vote
 31 center is immediately accessible to:
- 32 (A) the county election board; and
- 33 (B) the electronic poll lists used by precinct election officers
 34 at all other vote centers in the county.
- 35 (12) For each precinct designated under subdivision (5), the
 36 number of electronic poll lists to be provided for the precinct.
- 37 (13) The security and contingency plans to be implemented by the
 38 county to **do all of the following:**

- 1 (A) Prevent a disruption of the vote center process. ~~and~~
- 2 (B) Ensure that the election is properly conducted if a
- 3 disruption occurs.
- 4 **(C) Prevent recording the fact that a voter has voted**
- 5 **without the coordinated action of two (2) precinct election**
- 6 **officers who are not members of the same political party.**
- 7 (14) A certification that the vote center complies with the
- 8 accessibility requirements applicable to polling places under
- 9 IC 3-11-8.
- 10 (15) A sketch depicting the planned layout of the vote center,
- 11 indicating the location of:
- 12 (A) equipment; and
- 13 (B) precinct election officers;
- 14 within the vote center.
- 15 (16) The total number of vote centers to be established at satellite
- 16 offices that are established under IC 3-11-10-26.3 to allow voters
- 17 to cast absentee ballots in accordance with IC 3-11.
- 18 **(17) The method and timing of providing voter data to**
- 19 **persons who are entitled to receive the data under this title.**
- 20 **Data must be provided to all persons entitled to the data**
- 21 **without unreasonable delay."**
- 22 Delete page 4.
- 23 Page 5, delete lines 1 through 22.
- 24 Page 5, line 37, after "of" insert "**active**".
- 25 Page 5, line 37, after "voters" insert "**in the county**".
- 26 Page 5, line 38, strike "designated under section 4(4) of this chapter
- 27 as "active"".
- 28 Page 6, line 6, strike "approving".
- 29 Page 6, line 7, after "designate" insert "**adopting**".
- 30 Page 7, delete lines 2 through 19, begin a new paragraph and insert:
- 31 "SECTION 15. IC 3-11-18-12, AS ADDED BY P.L.164-2006,
- 32 SECTION 119, IS AMENDED TO READ AS FOLLOWS
- 33 [EFFECTIVE JULY 1, 2008]: Sec. 12. Notwithstanding any other law,
- 34 a voter who resides in a vote center ~~pilot~~ county is entitled to cast an
- 35 absentee ballot at a vote center located at a satellite office of the county
- 36 election board established under IC 3-11-10-26.3 in the same manner
- 37 and subject to the same restrictions applicable to a voter wishing to cast
- 38 an absentee ballot before an absentee board located in the office of the

1 circuit court clerk or board of elections and registration.

2 SECTION 16. IC 3-11-18-13, AS ADDED BY P.L.164-2006,
3 SECTION 119, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2008]: Sec. 13. Notwithstanding any other law,
5 the electronic poll list used at each vote center:

6 **(1) must comply with IC 3-11-8-10.3;**

7 ~~(1)~~ **(2)** must be capable of capturing an electronic image of the
8 signature of a voter on the list; and

9 ~~(2)~~ **(3)** may be in a format approved by the secretary of state.

10 SECTION 17. IC 3-11-18-14, AS ADDED BY P.L.164-2006,
11 SECTION 119, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2008]: Sec. 14. Notwithstanding any other law,
13 including IC 3-11-8-2 and IC 3-14-2-11, a voter who resides in a vote
14 center ~~pilot~~ county is entitled to cast a ballot at any vote center
15 established in the county without regard to the precinct in which the
16 voter resides."

17 Page 8, line 3, delete "SECTION 14 of".

18 Page 8, line 3, delete ";" and insert "**before July 1, 2008;**".

- 1 Page 8, line 9, after "county" insert "**that has applied for**
- 2 **designation**".
- 3 ReNUMBER all SECTIONS consecutively.
 (Reference is to SB 235 as reprinted January 29, 2008.)

and when so amended that said bill do pass.

Representative Pierce